

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 06/27/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 05/25/2001.

TITLE: Coastal Impact Assistance Program: Project Review Checklist

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0440

EXPIRATION DATE: 12/31/2001

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	375	1,875	2
Difference	375	1,875	2
Program Change		1,875	2
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

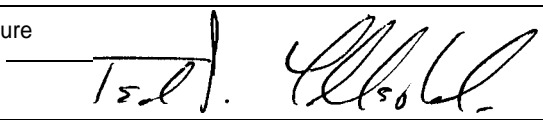
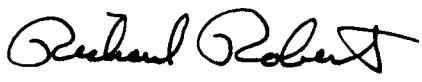
The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature 	Date 5-23-01
Signature of NOAA Clearance Officer	
Signature 	Date 5/23/01

SUPPORTING STATEMENT
COASTAL IMPACT ASSISTANCE PROGRAM: PROJECT REVIEW CHECKLIST

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The fiscal year 2001 Appropriations Act for the Departments of Commerce, Justice, and State (P.L. 106-553) created the Coastal Impact Assistance Program by amending the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). The CIAP was not requested by the President for FY 2001, and it has not been included in the President's FY 2002 budget request. The program was only authorized for FY 2001 (§31(b)), and §31 states that nothing in the legislation shall be construed as a permanent authorization for the program.

The CIAP recognizes that impacts from Outer Continental Shelf (OCS) oil and gas activities fall disproportionately on the coastal states and localities nearest to where the activities occur, and where the associated facilities are located. The CIAP legislation appropriates money for eligible states and coastal political subdivisions, and requires the states to submit Coastal Impact Assistance Plans detailing how the funds will be expended. Alabama, Alaska, California, Florida, Louisiana, Mississippi, and Texas are the seven eligible states. Counties, parishes, or equivalent units of government within those states lying all or in part within the coastal zone as defined by section 304(1) of the Coastal Zone Management Act of 1972, as amended (CZMA), are the coastal political subdivisions eligible for CIAP funding (§31(a)(1)), a total of 147 local jurisdictions.

States must develop CIAP plans and submit them to the National Oceanic and Atmospheric Administration (NOAA) by July 1, 2001. NOAA has 90 days from receipt to complete review (§31(d)(1), (3)). Once the plans are approved NOAA is required to make "payments from amounts available" to the eligible coastal states and subdivisions. States are eligible to receive from \$12.2 to \$26.4 million under the CIAP.

Among the required elements of the plan is a description of how the funds will be expended (§31(d)(2)(B)). NOAA anticipates that this section will be a project-by-project list consisting of relevant project details. To expedite our review of the plans and specific projects, NOAA developed a Coastal Impact Assistance Program Project Checklist (Checklist) for the eligible states and subdivisions to use when submitting the details of their proposed CIAP projects.

As explained in sections 2 and 4 below, the Checklist is a modified version of one NOAA uses for the Coastal Zone Management program. Some of the respondents that have applied to NOAA for funding under the Coastal Zone Management Act of 1972, as amended (CZMA) will be familiar with the Coastal Zone Management program checklist, but others will not. The use of two similar checklists will not cause duplication of efforts because projects being proposed for funding under the CIAP will not be the same as those funded under the CZMA. Only one checklist will be used for each proposed project.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The Office of Ocean and Coastal Resource Management, within NOAA's National Ocean Service, will use the Checklist to review land acquisition and construction projects proposed under the CIAP by eligible states and local governments. The information will be collected once, when the states and local governments select the projects they will include within their CIAP plans. There are three main sections to the Checklist:

- A. Applicant and Project Information: project title, applicant point of contact, general location, and project description. This information is necessary to fulfill §§31(d)(2)(B) and (C) of the CIAP legislation, which require that CIAP plans describe how the funds will be expended and provide points of contact for each eligible local government.
- B. Eligibility of Project: the Checklist contains a list of authorized uses of CIAP funds, and the applicant is asked to check all that apply. This information is required by (§31(e)) of the CIAP legislation.
- C. Compliance with Other Federal Authorities: several statutes, including but not limited to, the National Environmental Policy Act and the Endangered Species Act, put requirements on the actions of federal agencies and the use of federal funds. This section of the Checklist asks the applicant to answer several questions about the proposed project to assist NOAA in determining whether funding the project would trigger our responsibilities under relevant federal statutes.

Please note that the Checklist will only be used for construction or land acquisition projects, which we estimate to be approximately 50 percent of all proposed CIAP projects. This checklist was adapted from the Coastal Zone Management Act of 1972, as amended (CZMA), Section 306A Project Checklist used by NOAA to review small-scale coastal construction and public access projects funded under section 306A of the CZMA. Many potential CIAP applicants have applied for CZMA Section 306A funds from NOAA and will be familiar with the Checklist.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The information does not require the use of automated, electronic, mechanical, or other forms of information technology. Applicants will have the option of filling out the Checklist electronically, and submitting it via e-mail, or filling out and submitting a hard copy. The basis for this decision is to provide flexibility to the applicants.

4. Describe efforts to identify duplication.

Question 2 describes how NOAA has based the Checklist on a similar mechanism used for funding under the CZMA. However, the CIAP is a distinct program with a different purpose and

different review criteria. Using an exact replica of the CZMA checklist would not be consistent with the CIAP legislation. More importantly, the Checklist is used to review each individual project, so it would be impossible to use information that has already been collected for projects funded under a different program.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Many of the 147 coastal political subdivisions eligible to receive funding under the CIAP have populations below 50,000. The burden on them has been minimized in several ways: the use of the Checklist is optional - they may still receive funds without its use; NOAA has dedicated staff to assist in completing the checklist; and if local governments choose to use the checklist, they may submit it electronically, by mail, or by fax.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Use of the Checklist will expedite NOAA's review of CIAP plans and projects and will allow us to disburse the funds in accordance with the schedule in the CIAP legislation (§ 31(d)(1), (4)). If the Checklist is not used, in order to fulfill our requirements under the CIAP legislation and other federal statutes, NOAA would need to obtain necessary information on the proposed CIAP projects through much less efficient means: e.g., phone calls, library and Internet searches, etc.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice is being published at the time of this submission to solicit public comment.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The information provided to NOAA is a matter of public record.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

NOAA estimates that each checklist will take 5 hours to complete. Based on the amount of CIAP funding available for each state and local government, we estimate approximately 375 project checklists will be submitted, for a total of 1875 hours. The time estimate is based on NOAA's estimate for time needed to complete the CZMA Section 306A Checklist cited in question 2 above. The estimate of 375 project checklist is based on a review of the State of Alabama's draft CIAP plan which has been submitted to NOAA.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

For purposes of this section, NOAA used the estimated cost of \$5.00 to complete the Checklist, resulting in a total cost of \$1,875. This estimate is based on copy, mail, and fax costs, also taking into account that electronic submittal is allowed.

14. Provide estimates of annualized cost to the Federal government.

Since most of the submission requirements are for non-Federal entities, the costs to the Federal Government are few. The costs for the Federal Government are mostly to respond to queries on the impact of proposed projects from state and local officials that are applying for CIAP funds. There are limited costs to NOAA associated with reviewing the Checklists. NOAA estimates an average of 0.5 hours to review each Checklist, for a total cost of approximately \$8,000, based on 190 hours at the GS-13 level.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a program change for a new information collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This section is not applicable since statistical methods are not used to generate the information contained in this PRA clearance.

OMB Control #_____, expires _____.

**COASTAL IMPACT ASSISTANCE PROGRAM
PROJECT CHECKLIST**

Project Information		
Project Title:		
CIAP PROJECT ID#:		
Approximate Project Location:		
APPLICANT: (Designated State Agency or County)		
SUBAWARDEE: (Entity to receive funds, if different from above)		

CIAP Contact Information	
Contact Name:	
Street Address:	
City, State, Zip:	
Telephone:	
E-Mail:	

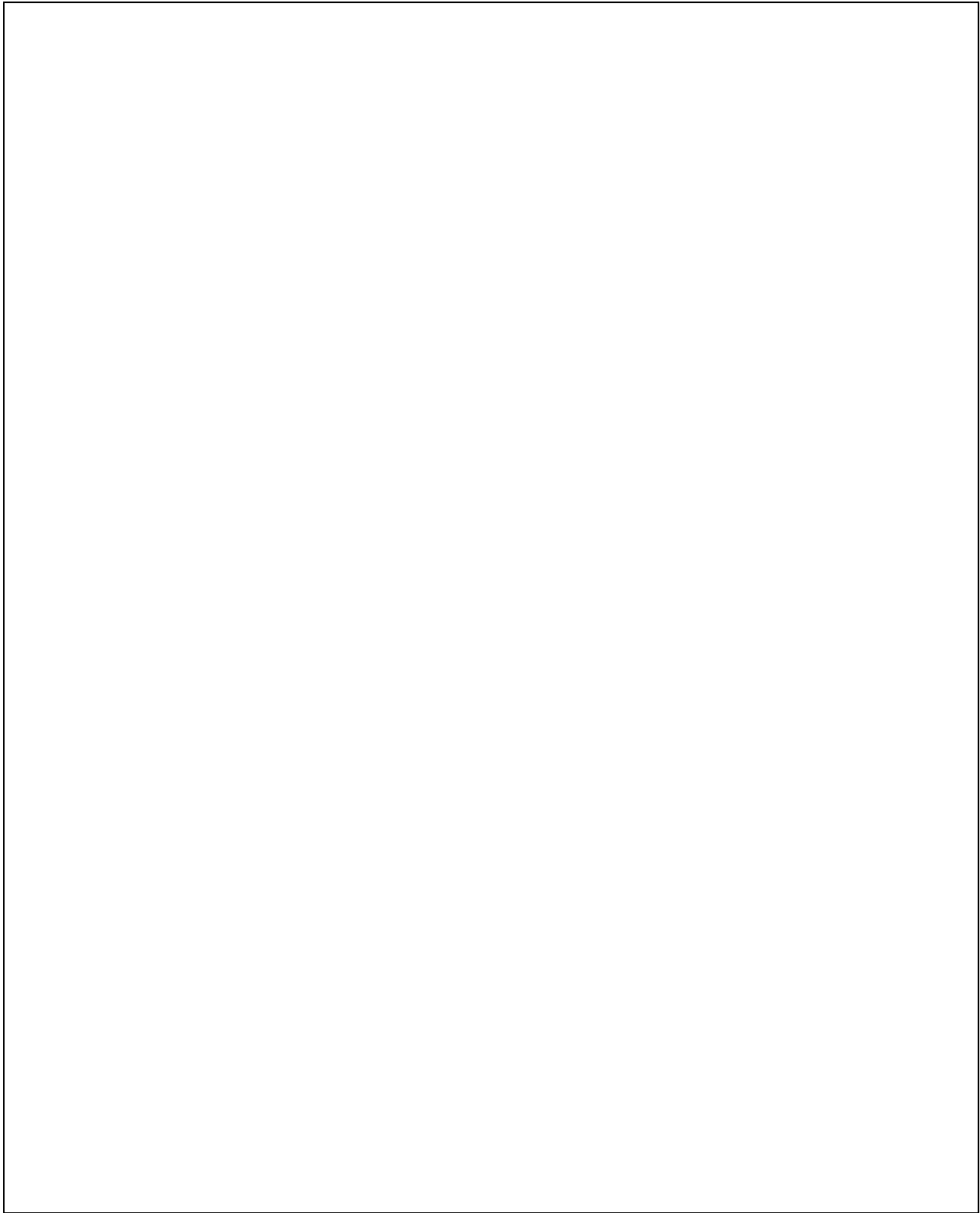
Cost	
CIAP Funds:	
Other Funds (if applicable):	
Total Project Cost:	



CIAP PROJECT PURPOSE and DESCRIPTION (Maximum 2 Pages)

Attach, if applicable: Site Location Map and Project Site Plan





PROJECT BUDGET NARRATIVE - THIS IS OPTIONAL FOR MOST PROJECTS

Please identify dollar amounts in applicable categories and leave others blank (round to the nearest dollar). Please describe line items for each applicable budget category and provide sufficient detail to show relationship between costs and project activities.

Salaries: \$_____

Fringe Benefits: \$_____

Travel: \$_____

Equipment: \$_____

Supplies: \$_____

Contractual Services: \$_____

Construction: \$_____

Land Acquisition: \$_____

Other: \$_____

Indirect Costs: \$_____

Total Project Costs: \$_____



COASTAL IMPACT ASSISTANCE PROGRAM PROJECT CHECKLIST

Project Eligibility

Please identify which of the following purposes will be served by the proposed use of CIAP funds (please check all that apply):

- _____ activities which support and are consistent with the Coastal Zone Management Act, including National Estuarine Research Reserve programs, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, or the National Estuaries Program (§31(e)(1));
- _____ conservation, restoration, enhancement or protection of coastal or marine habitats including wetlands, estuaries, coastal barrier islands, coastal fishery resources and coral reefs, including projects to remove abandoned vessels or marine debris that may adversely affect coastal habitats (§31(e)(1));
- _____ protection, restoration and enhancement of coastal water quality consistent with the provisions of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.), including the reduction or monitoring of coastal polluted runoff or other coastal contaminants (§31(e)(1));
- _____ addressing watershed protection or other coastal or marine conservation needs which cross-jurisdictional boundaries (§31(e)(1));
- _____ assessment, research, mapping and monitoring of coastal or marine resources and habitats, including, where appropriate, the establishment and monitoring of marine protected areas (§31(e)(1));
- _____ addressing coastal conservation needs associated with seasonal or otherwise transient fluctuations in coastal populations (§31(e)(1));
- _____ protection and restoration of natural coastline protective features, including control of coastline erosion (§31(e)(1));
- _____ identification, prevention and control of invasive exotic and harmful non-indigenous species (§31(e)(1));
- _____ assistance to local communities to assess, plan for and manage the impacts of growth and development on coastal or marine habitats and natural resources, including coastal community fishery assistance programs that encourage participation in sustainable fisheries (§31(e)(1));
- _____ projects that promote research, education, training and advisory services in fields related to coastal and Great Lakes living marine resource use and management (§31(e)(1));



- _____ projects and activities for the conservation, protection or restoration of wetlands (§31(e)(2));
- _____ mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (oil spill removal and contingency planning) (§31(e)(3));
- _____ planning assistance and administrative costs of complying with the provisions of this section (§31(e)(4));
- _____ implementation of federally approved marine, coastal, or comprehensive conservation management plans (§31(e)(5));
- _____ onshore infrastructure projects and other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities [NOTE: The use of CIAP funds for these purposes is restricted to no more than 23% of total project funds (§31(e)(6)).

Additional comments:



ANALYSIS OF OTHER REQUIREMENTS

(There are several Federal laws that put conditions on the expenditure of federal funds. NOAA must review CIAP projects, since they are federally funded, to determine the applicability of these laws.)

1. State Historic Preservation Officer and National Historic Preservation Act

Will the project affect properties listed in the National Register of Historic Places (<http://www.cr.nps.gov/nr/>) or otherwise protected by section 106 of the National Historic Preservation Act (<http://www2.cr.nps.gov/laws/NHPA1966.htm>) or a similar State Preservation Act? _____ Yes _____ No

If “yes”, provide clearance letters from all appropriate state and federal agencies.

2. National Flood Insurance Program

- a. Is the project located in a designated floodway or 'V' zone on a National Flood Insurance Program Floodway Map? _____ Yes _____ No. (<http://www.fema.gov/maps/>)
- b. Is the community in which the project is located participating in the Flood Insurance Program? _____ Yes _____ No (<http://www.fema.gov/nfip/>)

3. Coastal Barriers Resource Act

Is the project located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act? _____ Yes _____ No (<http://www.fws.gov/cep/cbrunits.html>)

If the answer is “yes”, attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

4. Endangered Species Act

The proposed project may adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act. _____ Yes _____ No (<http://endangered.fws.gov/>) or (<http://www.nmfs.noaa.gov/endangered.htm>)

If the answer is “yes”, attach a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. A determination by USFWS or NMFS that a project will significantly affect threatened or endangered species or critical habitat may affect certification of proposed CIAP project.

5. National Environmental Policy Act (<http://ceq.eh.doe.gov/nepa/nepanet.htm>)

- a. The proposed project may significantly affect the human environment. _____ Yes _____ No.
- b. The proposed project involves unresolved conflicts concerning alternative uses of available resources. _____ Yes _____ No
- c. This action would have significant adverse effects on public health and safety. _____ Yes _____ No.
- d. This action will have highly controversial environmental effects. _____ Yes _____ No



- e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. ☐ Yes ☐ No.
- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., coastal parks or refuges, beaches and dunes, wetlands, estuarine areas, fish and wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. ☐ Yes ☐ No.

If the answer to any of items a-f is "yes", then NOAA may prepare an Environmental Assessment or Environmental Impact Statement to fulfill its requirements under the National Environmental Policy Act. For items answered "yes", please attach a description of the resource(s) affected and describe the nature and scope of the effects.

6. Handicapped Accessibility

Handicapped access requirements for CIAP projects are based on the requirements of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 et. seq. (Pub. L. No. 101-336), and the U.S. Architectural and Transportation Barriers Compliance Board (Board). As a general rule, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. ADA §202.

Is the proposed project handicapped-accessible? ☐ Yes ☐ No ☐ N/A

If the answer is "no", please explain:

7. Environmental Justice

Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? ☐ Yes ☐ No

8. Required Permits

Please list local, state, tribal or federal permits required for this project and the status of the permits. If the permits have not been obtained, then the CIAP coordinator certifies, by signing this application, that the state Agency, county (or other public entity) is seeking the required local, state and federal permits and that work will not begin and land will not be purchased until the permits have been issued.

9. Public Coordination

Has the project for which you propose to use CIAP funds been subject to public scrutiny and coordination through a public notice or other public review process? ☐ Yes ☐ No

If "yes", please describe the results of that process and note when the coordination occurred.



10. Land Acquisition

Does this project include the acquisition of land? _____Yes _____No

If “yes,” the applicant must obtain an independent appraisal by a state approved appraiser to determine fair market value. States/counties must adhere to the following steps in negotiating acquisition price (adapted from 49 C.F.R. part 24.102):

- a. Secure independent property appraisal.
- b. Present appraisal to land owner and negotiate price based on appraisal. Property owner shall be given a reasonable opportunity to consider the offer and present material which the owner believes to be relevant to determining the property’s value.
- c. If the property owner will not sell for the appraised price or lower, and the state/county wishes to pursue the acquisition, a second independent appraisal shall be done, or the original appraisal updated to account for changed circumstances, e.g., extensive time passage, natural disaster.
- d. If, after negotiations and a second or revised first appraisal, the purchase price still exceeds the appraised value, the state/county may be allowed to pay more than the appraised value (with federal CIAP funds) if the state/county demonstrates reasonable efforts to negotiate at the appraised value and if the state/county provides a written justification for the higher price, based on reasonableness, prudence, public interest, appraisals, estimated condemnation/trial costs, and/or valuation.



I hereby certify that the information contained in the attached or foregoing CIAP proposal application is true and correct to the best of my knowledge and belief.

Signature of State or Local CIAP Coordinator

Print Name: _____

Date: _____

NOAA is requesting this information in order to adequately assess the eligibility of proposed CIAP projects. Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to John R. King, Acting Chief, Coastal Programs Division, OCRM, 1305 East-West Hwy., 11th Floor, Silver Spring, Maryland 20910. This reporting is authorized under P.L. 106-553. Information submitted will be treated as public records. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.



Statutory Language

SEC. 903. COASTAL IMPACT ASSISTANCE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

`SEC. 31. COASTAL IMPACT ASSISTANCE.

`Nothing in this section shall be construed as a permanent authorization.

`(a) DEFINITIONS- When used in this section--

`(1) The term `coastal political subdivision' means a county, parish, or any equivalent subdivision of a Producing Coastal State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1))).

`(2) The term `coastal population' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

`(3) The term `Coastal State' has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

`(4) The term `coastline' has the same meaning as the term `coast line' as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

`(5) The term `distance' means minimum great circle distance, measured in statute miles.

`(6) The term `leased tract' means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

`(7) The term `Producing Coastal State' means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

`(8) The term `qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

`(9) The term `Secretary' means Secretary of Commerce.

`(b) AUTHORIZATION- For fiscal year 2001, \$150,000,000 is authorized to be appropriated for the purposes of this section.

`(c) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS- The Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

`(1) ALLOCATIONS TO PRODUCING COASTAL STATES- In each fiscal year, each Producing Coastal State's allocable share shall be equal to the sum of the following:

`(A) 60 percent of the amounts appropriated shall be equally divided among all Producing Coastal States;

`(B) 40 percent of the amounts appropriated for the purposes of this section shall be divided among Producing Coastal States based on Outer Continental Shelf production, except that of such amounts no Producing Coastal State may receive more than 25 percent in any fiscal year.

`(2) CALCULATION- The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of all Producing Coastal States for the period beginning on January 1, 1995 and ending on December 31, 2000. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State's payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

`(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS- Thirty-five percent of each Producing Coastal State's allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in paragraph (C) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues:

`(A) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State.

`(B) 25 percent shall be allocated based on the ratio of such coastal political subdivision's coastline miles to the coastline miles of all coastal political subdivisions in the Producing Coastal State.

`(C) 50 percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate that Producing Coastal State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

`(4) FAILURE TO HAVE PLAN APPROVED- Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution

of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

`(d) COASTAL IMPACT ASSISTANCE PLAN-

`(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS- The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan. The Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001. Amounts received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

`(2) APPROVAL- The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (e) and if the plan contains each of the following:

`(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

`(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

`(C) A contact for each political subdivision and description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

`(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

`(E) Measures for taking into account other relevant Federal resources and programs.

`(3) PROCEDURE- The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

`(4) AMENDMENT- Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

`(e) AUTHORIZED USES- Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

`(1) uses set forth in new section 32(c)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) proposed by the amendment to H.R. 701 of the 106th Congress as reported by the Senate Committee on Energy and Natural Resources;

`(2) projects and activities for the conservation, protection or restoration of wetlands;

`(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

`(4) planning assistance and administrative costs of complying with the provisions of this section;

`(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

`(6) mitigating impacts of Outer Continental Shelf activities through funding of (A) onshore infrastructure projects and (B) other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities: Provided, that funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

`(f) COMPLIANCE WITH AUTHORIZED USES- If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (e), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.'